THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No. 26045 of 2005

07-12-2005

Between:

M/s.Hindustan Zinc Limited, Visakhapatnam, rep. by its Manager (Finance).

..... PETITIONER

AND

The Assistant Commissioner (CT) LTU, Visakhapatnam & Others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No. 26045 of 2005

ORDER: (Per Hon'ble Sri Bilal Nazki, J)

Heard learned counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The controversy is that pending an appeal, application for stay was dismissed by the competent authority. We have gone through the record. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that on payment of half of the liability as on today, within a period of four weeks from today, there shall be stay of recovery. For four weeks, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within four weeks. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. Respondent No.2 is directed to dispose of the appeal expeditiously.

Writ Petition is disposed of accordingly. No costs.

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(BILAL NAZKI, J)

7th December 2005

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(S.ANANDA REDDY, J)

ajr